

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZOLTAN BOKA,

Plaintiff,

- against -

DR. VALERIE SHAFER, ET AL.,

Defendants.

**NOTICE OF MOTION
TO DISMISS THE
AMENDED COMPLAINT**

15-CV-6629 (RWS)(Pro se)(ECF)

ORIGINAL TO BE FILED BY E.C.F.

PLEASE TAKE NOTICE, that upon the accompanying declaration of Christopher Coulston, dated January 29, 2016, with exhibit annexed thereto; the January 29, 2016 memorandum of law in Support of the Defendants' motion to dismiss the Amended Complaint; and upon all prior pleadings and proceedings herein, Defendants City University of New York ("CUNY"); Katherine Raymond in her official and individual capacity; James B. Milliken in his official and individual capacity; Sharon Lerner in her official and individual capacity; Douglas Whalen in his official capacity; William Kelly in his official capacity; Matthew Schoengood in his official capacity; and Chase Robinson in his official capacity (the "Individual Defendants," and, with CUNY, the "Defendants")¹, by their attorney, ERIC T. SCHNEIDERMAN, Attorney General of the State of New York, will move this Court, at a date and time to be determined by the Court, at the United States District Courthouse for the Southern District of New York, located at 500 Pearl St., New York, New York, for an order dismissing the Amended Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure on the grounds

¹ Plaintiff has failed to properly effect service upon all Defendants. Defendants Valerie Shafer, Lorraine Obler, and Klara Marton have not been served in their official or individual capacities. Defendants Whalen, Kelly, Schoengood and Robinson have not been served in their individual capacities.

that the Court lacks jurisdiction over the subject matter of Plaintiff's claims against the Defendants and that the Amended Complaint fails to state a claim against the Defendants upon which relief can be granted, together with any other relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in accordance with Local Civil Rule 7.2, Defendants have provided Plaintiff with copies of authorities reported exclusively on computerized databases.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, absent any Order otherwise, any opposing affidavits and answering memoranda shall be served within fourteen days after service of the moving papers.

Dated: New York, New York
January 29, 2016

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for Defendants

BY: /s/ Christopher Coulston
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To: ***(Via First-Class Mail then E.C.F.)***
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